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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,204	01/10/2002	Preeti Lal	PF-0723 USN	2449
22428	7590	06/13/2006		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER WALICKA, MALGORZATA A	
			ART UNIT	PAPER NUMBER
			1652	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,204

Applicant(s)

LAL ET AL.

Examiner

Malgorzata A. Walicka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- | | |
|----------------------------|---|
| Groups I ₁₋₅ | claim(s) 1-7, 9, 11-12, 16-17, 19, 22, 26, drawn to a polypeptide of SEQ ID NO:1-5 and its pharmaceutical composition, its encoding DNA (SEQ ID NO:6-10) DNA expression construct, host cell, recombinant method of producing the polypeptide, and a method for screening a compound that modulates activity of said polypeptide. |
| Group II ₁₋₅ | claim(s) 13-15, drawn to a method for detecting a target polynucleotide in a sample. |
| Groups III ₁₋₅ | claim(s) 8, drawn to a transgenic organism comprising the expression construct of groups I. |
| Groups IV ₁₋₅ | claim(s) 18, drawn to an isolated antibody which specifically binds to the polypeptide of groups I. |
| Groups V ₁₋₅ | claim(s) 10, drawn to a method for treating a disease or condition by administering the composition comprising the polypeptide of groups I. |
| Groups VI ₁₋₅ | claim(s) 20-21, drawn to a composition comprising an agonist of the polypeptide of groups I and a method of its use. |
| Groups VII ₁₋₅ | claim(s) 23-24, drawn to a composition comprising an antagonist of the polypeptide of groups I and a method of its use. |
| Groups VIII ₁₋₅ | claim(s) 26, drawn to a method of screening for a compound that specifically binds to the polypeptide of group I |

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Groups IX₁₋₅ claim(s) 27, drawn a method of screening for a compound altering expression of polynucleotides of SEQ ID NO:6-10.

Groups X₁₋₅ claim 28, drawn to a method for assessing toxicity by assessing hybridization of a probe being a fragment of polynucleotides comprising SEQ ID NO:6-10.

Applicant is required to elect one polypeptide sequence and its encoding DNA regardless of which of groups I-X is elected.

The 50 inventions listed as Groups I₁₋₅ to X₁₋₅ do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. SEQ ID NO: 1, encoded by SEQ ID NO: 6, is a polypeptide disclosed as homolog of cytochrome b561. SEQ ID NO:2, encoded by SEQ ID NO: 7, is disclosed as homolog of alpha D-globin. SEQ ID NO:3, encoded by SEQ ID NO: 8, is disclosed as a cobalamin biosynthase-like placental protein. SEQ ID NO: 4, encoded by SEQ ID NO: 9, is a homolog of FAD synthase, and SEQ ID NO: 5, encoded by SEQ ID NO: 10 is a homolog of Coq4p ubiquinone biosynthesis protein. Thus, these polypeptides have different chemical structures and biological functions, i.e. different technical features. In addition, groups II₁₋₅ to X₁₋₅ are directed to the products and methods of their use wherein the products are not polypeptides of SEQ ID NO:1-5 or DNA of SEQ ID NO:6-10, and the methods are not methods of use of SEQ ID NO:1-5 or SEQ ID NO:6-10. Thus the groups are directed to additional product and methods of their use. CFR 1.475 does not provide for multiple products or methods within single application, therefore, unity of invention is lacking with regard to Groups I₁₋₅ to X₁₋₅.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malgorzata A. Walicka whose telephone number is (571) 272-0944. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 4:30 p.m.

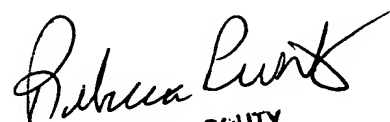
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Malgorzata A. Walicka, Ph.D.

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Patent Examiner


REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1800
1652